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Docket 15
Rm 222

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

14 FEB 1994

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IN REPLY REFER TO:
7310-02/1700A1

93-61

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FEB 16 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Robert L. Livingston
House of Representatives
2368 Rayburn House Office Building
Washington, D.C. 20515-1801

Dear Congressman Livingston:

Thank you for your letter of January 5, 1994, regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was submitted on behalf of Mr. Michael L. Eckstein, and expressed concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rule Making adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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2 Copies

Honorable Robert L. Livingston

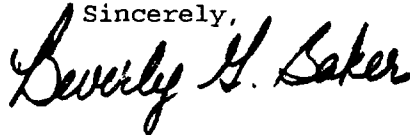
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In this rule making proceeding the Commission has recognized the difficulty various users may have in sharing this band and has therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities have filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission will give full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you again for your interest in this matter and, while I do not want to prejudice the Commission's decisions in this proceeding, I can assure you that we shall carefully consider the concerns raised in your letter in our deliberations.

Sincerely,



Ralph A. Haller
Chief, Private Radio Bureau

ROBERT L. LIVINGSTON
1ST DISTRICT, LOUISIANA

APPROPRIATIONS COMMITTEE

SUBCOMMITTEES:

DEFENSE

FOREIGN OPERATIONS

HOUSE ADMINISTRATION
COMMITTEE



Congress of the United States
House of Representatives

Washington, DC 20515-1801
January 5, 1994

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PLEASE RESPOND TO:

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Mr. Terry Haines
Chief of Staff
Office of Congressional Affairs
FCC
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Haines:

Enclosed please find communication I have recently received from one of my constituents for your consideration. I would greatly appreciate your complying with their request, if possible.

I would appreciate your advising me of your action in this matter and returning the letters to me with your reply to my WASHINGTON office.

Sincerely,

ROBERT L. LIVINGSTON
Member of Congress

RLL/ss

Enclosures (2)

MICHAEL L. ECKSTEIN

ATTORNEY AT LAW

A PROFESSIONAL CORPORATION

829 BARONNE STREET

NEW ORLEANS, LOUISIANA 70113

TEL: 504-581-9322

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MICHAEL L. ECKSTEIN*

*LL.M. IN TAXATION
BOARD CERTIFIED TAX ATTORNEY

November 16, 1993

NOV 22 1993

The Honorable Robert L. Livingston, M.C.
U.S. House of Representatives
2368 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Livingston:

I wanted to make you aware of a recent development at the FCC which greatly impacted two of my clients based in New Orleans, Axonn Corporation and Life Point Systems, Inc.

Several years ago, the FCC encouraged entrepreneurial companies to develop state of the art technology to operate "license-free" in the 900 MHz part 15 ban. My clients were very successful in developing a spread spectrum, wireless technology which has been patented and licensed to many companies throughout the country including AT&T Security, Domestic Automation Corporation and others. After developing and exploiting this technology for the past eight years, the FCC is proposing rule changes which will greatly impact my client and potentially endanger the employment of over thirty people presently working for the companies. More particularly, the FCC has proposed a rule change to permit Pac Tel Teletrack to deploy high powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by part 15 equipment. These changes will cause a tremendous amount of interference for all part 15 users and jeopardize the further exploitation of our technology. The commission's proposed action will seriously undermine the domestic industry that developed technology to use in the 900 MHz part 15 ban and will result in a loss of sales, a reduction in the work force and a lesser amount of research and development in these areas.

In view of the importance of these issues to my clients, I request that you please contact the chairman of the FCC and confirm the importance of discontinuing this course of action that will adversely impact the U.S. domestic telecommunications industry.

November 16, 1993

Page 2

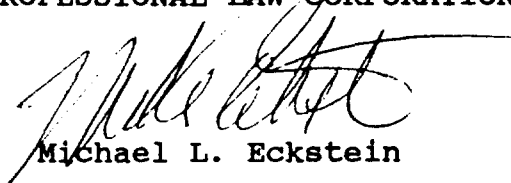
If I can be of any further assistance or if I can provide you with any additional information, please do not hesitate to call. I very much appreciate your considerations in this matter.

With best regards, I remain,

Sincerely,

MICHAEL L. ECKSTEIN, ATTORNEY AT LAW
A PROFESSIONAL LAW CORPORATION

By:

A handwritten signature in dark ink, appearing to read "Mike Eckstein", written over a horizontal line.

Michael L. Eckstein

MLE:mg
74221\c\180



CORPORATION

101 West Robert E. Lee Boulevard • Suite 202 • New Orleans, Louisiana 70124 • (504) 282-8119 • FAX 282-0999

NOV 2 1993

October 28, 1993

Representative Robert L. Livingston
111 Veterans Boulevard
Suite 700
Metairie, LA 70005

NOV 29 1993

2 Pages
Via Fax: (202) 225-0739
and U.S. Mail

Dear Representative Livingston,

I am writing today to seek your assistance on my company's behalf in a matter that has become very important to our future. I hope that you will assess the issues presented herewith and act favorably on our behalf.

By way of introduction, my company, Axonn, specializes in spread spectrum radio research and development. We were founded here in New Orleans seven years ago and we remain locally owned. Basically, we license our patented technology to large manufacturers for a license fee and ongoing royalty. To date, we have over twelve licensees which include companies such as Life Point Systems, Northern Computers, and Domestic Automation.

Several years ago, the FCC encouraged entrepreneurial companies, like ours, to develop state-of-the-art technologies to operate "license-free" in the 900 MHz Part 15 band. Our company responded and today we employ over 30 people in your district working directly on research, development, and engineering of products based on our patented, wireless technology. Now the FCC proposes to change the rules to the disadvantage of U.S. technology manufacturing firms and to the direct benefit of foreign technology and foreign manufacturing.

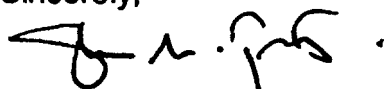
The FCC proposed to permit PacTel Teletrac to deploy high-powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by Part 15 equipment. These changes, if implemented, will cause mutual interference to all Part 15 users as well as PacTel customers. This interference will have a "chilling effect" on our marketplace and a corresponding effect on our business. As one of the relatively few high-tech companies in Louisiana, this is especially damaging.

The Part 15 industry is made up generally of small U.S. domestic telecommunications manufacturing companies. It represents, nationwide, over two billion dollars in research and development investment, manufacturing and sales. The Commission's proposed action will seriously undermine this domestic industry. The impact on our company also could result in loss of sales, reduction in the workforce, loss of existing research and development investment and loss of access to future capital.

In view of the importance of these issues, we request you contact the Chairman of the FCC and express your concern over this needless disruption of a vital industry. For your convenience, I have taken the liberty to enclose a draft which you may wish to use.

In closing, if there are any questions you might develop on either our company or this issue and its industry impact, please do not hesitate to contact me. I stand ready to be of every assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. N. Fant", with a stylized flourish at the end.

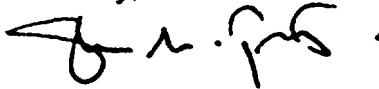
Stephen N. Fant
Vice President

SNF/mms

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Stephen N. Fant
Vice President

SNF/mms